

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
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E-FILED:10/26/2010

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
REYNALDO M MENDEZ
CONSUELO MENDEZ

CASE NO: BKS-10-27632-MKN

CHAPTER 13

Hearing Date: December 02, 2010

Hearing Time: 1:30 pm

NEWARK & NEWARK LAW
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF Plan 1
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Kathleen A. Leavitt, hereby objects to confirmation of Plan and hereby represents the following:

The Debtor(s) filed for Chapter 13 relief on 09/17/2010. The 341(a) Meeting of Creditors held on October 26, 2010 at 2:30 pm was:

- Concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason (s):

- The Plan fails to provide for all of the Debtor's disposable income [11 USC § 1325 (b)(1)(B)] based on Form B22C (Means Test)
- Trustee objects to the exemptions claimed as the exemptions are not allowed under NRS 21 .090 or the amounts specified exceed the allowable exemption. Specifically: Lines 28-29: Not allowed expense for paid off cars
 - Bank Statements for the following periods: Nevada Federal CU #4366: 8/1/10 - 9/17/10; Chase Bank 8/10 through 9/10.
 - Statement of Financial Affairs: #1: Need to list year-to-date income; #10: Need to indicate the amount received from the sale of the vehicle.
 - Amendment to Plan: #1.02-1.03: Commitment period incorrect and Debtors are above median, need to extend commitment period to 60 months; #1.12: Need to list 5 tax years; #2.15: Debtors cannot surrender the Pearl Ave property in full satisfaction of debt.
 - Amendment to Schedule B. Personal Property: Need to list amounts in bank accounts.

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150 .00.

Dated: 10/26/2010

/s/Kathleen A. Leavitt

Kathleen A. Leavitt
Chapter 13 Trustee